

DISTRICT OFFICES:

5 HIGH STREET, SUITE 101
MEDFORD, MA 02155
(781) 396-2900188 CONCORD STREET, SUITE 102
FRAMINGHAM, MA 01702
(508) 875-2900<http://markey.house.gov>

Congress of the United States

House of Representatives

Washington, DC 20515-2107

May 9, 2012

The Honorable Greg Jaczko
Chairman
Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Dear Chairman Jaczko:

I write to convey grave concerns regarding an April 24, 2012 letter I received from staff employed in NRC's Region IV office (which is headquartered in Arlington, TX) who have alleged that the current Deputy Division Director of the Division of Reactor Projects has actively retaliated against individuals who bring safety concerns to his attention. I also ask that you grant the request made in this letter to engage an independent organization to fully investigate these allegations, and take all necessary actions to remedy the problems raised.

According to the letter (attached) Mr. Troy Pruett has, in his current and former capacity at the NRC, engaged in numerous efforts to thwart and discourage aggressive nuclear safety oversight. These allegations include:

- Openly criticizing and denigrating professional staff who brought forward inspection findings that he did not agree with.
- Berating and intimidating inspectors for raising safety issues.
- Altering or removing safety findings from inspection reports prior to their release.
- Downgrading the performance appraisals for staff members who identified regulatory violations with which he disagreed.
- Disagreeing with the staff's recommendation to issue the most serious 'red' safety finding to the licensee of the Fort Calhoun Station because "it would result in a 'political environment' that would make his job, as the chairman of the Fort Calhoun Station restart committee, more difficult." It is alleged that he subsequently mischaracterized the technical staff's views on this matter to NRC headquarters personnel.

It has also been alleged that although Mr. Pruett's actions have reportedly been brought to the attention of Senior Regional management, no meaningful steps to improve it have been taken.

The NRC staff letter also asserted that the "chilled environment" is amplified by item SAF29 in the Regional Operations Plan, which apparently awards Senior Executive Service bonuses in a manner that scales inversely with the number of enforcement actions that are

challenged and overturned by licensees. In other words, employees are rewarded not for undertaking strong nuclear safety oversight and enforcement measures, but for not doing so.

These allegations, if true, are appalling. I have long been concerned by the Commission's voting record¹ on safety matters, especially on the post-Fukushima measures recommended by NRC's technical staff. The frequency with which you are outvoted on nuclear safety matters by your fellow Commissioners seems to suggest that they do not take the safety lessons of the Fukushima nuclear disaster or other safety recommendations made by NRC's technical staff and advisory bodies seriously. I hope that attitude towards safety is not taking hold among senior NRC management staff at the regional offices. I have been concerned for the last several months that if NRC managers do not believe the Commission is committed to following the safety recommendations of its top technical staff, they may similarly feel empowered to reject the recommendations made by their inspectors, dismiss safety concerns, and retaliate against those who are making them. This letter I recently received only serves to confirm my fears. In order to better understand the facts and circumstances surrounding the allegations I have received, I ask that you respond to the following requests for documents and information no later than Friday June 1, 2012:

- 1) Please provide a copy of SAF29 in the Regional Operations Plan referred to in the letter. Does the Commission support a performance award policy that equates bonuses to enforcement actions that are challenged or overturned by the licensee? If so, please explain. If not, what steps is the Commission taking to alter this policy?
- 2) Please provide a copy of all documents (including but not limited to emails, phone logs, memos, or letters) in which NRC staff have identified or complained about the management style, acts of retaliation or other personnel complaints associated with Mr. Pruett. For each complaint that was brought to the attention of more senior NRC personnel, please indicate a) whether the alleged action was investigated and if so, please provide a copy of all documents related to any such investigation, b) whether the alleged action was remedied and if so, please provide a copy of all relevant documents, and c) whether any disciplinary actions were taken against Mr. Pruett, and if so, please provide a copy of all relevant documents.
- 3) Do you intend to proceed with the sort of independent and public investigation requested by Region IV staff? If so, please provide all details surrounding these plans, and if not, why not? What other actions have you taken or plan to take to investigate and remedy the problems identified in the April 24 letter I received?
- 4) Please provide copies of all documents (including but not limited to emails, letters, telephone logs, and memos) to or from Commissioners, Commissioner staff, and senior NRC officials (including but not limited to Bill Borchardt, Marty Virgilio and Elmo Collins) that are in any way related to the decision to assign a "red" safety finding to the Fort Calhoun Station or to subject the Fort Calhoun Station to more aggressive oversight.

¹ <http://markey.house.gov/content/timeline-recent-nrc-votes-against-safety-recommendations>

- 5) Does the Commission believe that safety or enforcement findings should be altered for any reason other than one based in their technical merits? If so, please fully explain your response.

Thank you very much for your attention to this important matter. If you have any questions or concerns, please have your staff contact Dr. Michal Freedhoff of my staff at 202-225-2836.

Sincerely,


Edward J. Markey